

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

DANILO MERA, *on behalf of himself, FLSA
Collective Plaintiffs, and the Class*

Plaintiff,

-against-

Case No.: 1:22-cv-04114

KYMA HUDSON LLC,
d/b/a KYMA,
KYMA NYC LLC,
d/b/a KYMA,
OLD NORTHERN BOULEVARD
RESTAURANT LLC,
d/b/a KYMA,
217 W85 LLC,
d/b/a ELEA,
MERKOURIOS ANGELIADES, and
STEVE TENEDIOS,

**PLAINTIFF'S NOTICE OF
VOLUNTARY DISMISSAL
PURSUANT TO FRCP 41(a)(1)(A)(i)**

Defendants

PLEASE TAKE NOTICE that the claims of Plaintiff DANILO MERA are hereby dismissed, without prejudice, in their entirety as against Defendants KYMA HUDSON LLC, d/b/a KYMA, KYMA NYC LLC, d/b/a KYMA, OLD NORTHERN BOULEVARD RESTAURANT LLC, d/b/a KYMA, 217 W85 LLC, d/b/a ELEA, MERKOURIOS ANGELIADES, and STEVE TENEDIOS, pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i), without costs or attorneys' fees to any party.

For the avoidance of doubt, there has been no settlement among the parties and Plaintiff intends to pursue his claims through the parties' arbitration agreements.

Dated: June 16, 2022
New York, New York

By: /s/ C.K. Lee
C.K. Lee, Esq.

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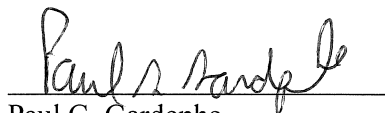
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*Attorneys for Plaintiff, FLSA Collective
Plaintiffs, and the Class*

Memo Endorsed: Because no settlement has been reached in this case, Cheeks review is not required before dismissing this action. See Samake v. Thunder Lube, Inc., 24 F.4th 804, 811 (2d Cir. 2022) ("[I]n the absence of a settlement, [a] notice of dismissal [under Fed. R. Civ. P. 41(a)(1)(A)(i)] should be so-ordered.").

Accordingly, the Clerk of Court is directed to close this case.

SO ORDERED.



Paul G. Gardephe
United States District Judge
Dated: June 17, 2022